

REMARKS

Claims 1, 3, and 7 are amended to promote clarity. Claims 1-7 remain in the Application. Reconsideration of the pending claims is respectfully requested in view of the above amendment and the following remarks.

I. Claim Objections

The Examiner objects to claim 7 because of informalities. Applicants amend Claim 7 as requested by the Examiner. Accordingly, withdrawal of the objections is respectfully requested.

II. Claims Rejected Under 35 U.S.C. § 102

Claims 1-3 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Publication No. 2005/0249497 issued to Haran et al. ("Haran").

Applicants submit that the subject matter of the rejected claims pre-dates the priority date of Haran (September 13, 2002). Attached herewith are Declarations pursuant to 37 C.F.R. 1.131 submitted by each of the inventors to swear back Haran. Supporting evidence, also attached herewith, includes an article "Dynamic Bandwidth Allocation Algorithm for Multimedia Services over Ethernet PONs" published by ETRI Journal, and a "Request for Evaluation of Document" ("Request"). The Request was submitted with the article to ETRI Journal on June 28, 2002, which is prior to the priority date of Haran. The ETRI Journal article includes detailed descriptions of the subject matter of the rejected claims (see, e.g., the "Control Message" section and the "MPCP Allocation" section in the article), and, therefore, establishes conception of the invention prior to the priority date of Haran. The prior invention is established in Korea, which is a WTO member country.

All of the inventors signed the Declarations. One of the inventors, Hyeong Ho Lee, who is not an author of the ETRI Journal article, declares that he did not contribute to the subject matter recited in rejected Claims 1-3.

Accordingly, reconsideration and withdrawal of the anticipation rejection of Claims 1-3 are respectfully requested.

III. Allowable Subject Matter

Applicants appreciate the Examiner's indication that Claims 4-6 are allowed and that Claim 7 would be allowable if rewritten or amended to overcome the objections noted above. Applicants have amended Claim 7 as requested by the Examiner. Accordingly, allowance of Claim 7 is respectfully requested.

CONCLUSION

In view of the foregoing, it is believed that all claims are now in condition for allowance and such action is earnestly solicited at the earliest possible date. If there are any additional fees due in connection with the filing of this response, please charge those fees to our Deposit Account No. 02-2666.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Dated: April 23, 2007



Eric S. Hyman, Reg. No. 30,139

12400 Wilshire Boulevard
Seventh Floor
Los Angeles, California 90025
Telephone (310) 207-3800
Facsimile (310) 820-5988

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.



Marilyn Bass

April 23, 2007